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PATENT
450101-03158

#5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Tetsujiro Kondo, et al.

U. S. Serial No. : 10/009,760

9200

For : IMAGE PICK-UP APPARATUS AND IMAGE
PICK-UP METHOD

Int'l Application : PCT/JP01/03203

Int'l Filing Date : 13 April 2001

745 Fifth Avenue
New York, NY 10151

EXPRESS MAIL

Mailing Label Number: EV 142956982

Date of Deposit: January 13, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to the Honorable Commissioner of Patents and Trademarks, Washington, DC 20231.

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PETITION TO REMOVE ABANDONMENT

Petitions Office
Assistant Commissioner for Patents
Washington, D.C. 20231
Attn: Frederick Smith
Dear Sir:

This Petition is being filed in response to the Notice of Abandonment that issued in the above application on January 2, 2003.

The Notice purports that the Applicants failed to respond to the notification of Missing Requirements mailed February 1, 2002. Applicants did indeed timely respond to the Notice to file Missing Parts by way of a communication dated March 29, 2002. Enclosed with the communication were a signed declaration and a check for \$130.00, being the surcharge fee.

Unfortunately, neither the return receipt postcard, nor the canceled check for \$130.00 have been returned to this office. A duplicate copy of the documents as filed on March 29, 2002 are enclosed herewith, together with a new check for \$130.00.

Enclosed in support of this Petition are Declarations of Mr. Glenn F. Savit, the attorney who prepared the aforementioned communication, and of Mr. Barnet Shindlman, the individual who mailed said communication.

A signed declaration was timely filed on March 29, 2002 in response to the Notice of Missing Requirements dated February 1, 2002. It is reasonable to believe that the documents mailed on March 29, 2002, might have gone astray either at the United States Postal Service, or at the United States Patent and Trademark Office, both of which handle a large volume of mail daily. It is therefore respectfully requested that the Petition to Remove Abandonment be granted, and the duplicate copy of the declaration and another check for \$130.00 enclosed herewith be accepted as timely filed.

The Petition fee of \$130.00 is also enclosed. Please charge any additional fees to Deposit Account No. 50-0320.

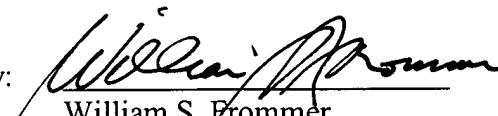
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130.00 OP

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:


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